

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Alex M.,

Case No. 23-cv-0526 (KMM/DJF)

Petitioner,

v.

**REPORT AND
RECOMMENDATION**

The Department of Homeland Security and
ICE,

Respondents.

In a letter filed on March 3, 2023, the Clerk of Court informed petitioner Alex M. (“Petitioner”) that he was required to pay the filing fee for this matter or apply for *in forma pauperis* (“IFP”) status within 15 days, failing which the Court may dismiss this matter without prejudice. (See ECF No. 2.) That deadline has now passed, and Petitioner has not paid the \$5.00 filing fee or applied for IFP status. Petitioner also has not communicated with the Court about this matter in any way since he commenced it. Accordingly, the Court now recommends, in accordance with the warning the Clerk of Court provided to Petitioner, that this action be dismissed without prejudice under Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute. *See Henderson v. Renaissance Grand Hotel*, 267 Fed. App’x 496, 497 (8th Cir. 2008) (per curiam) (“A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff’s failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.”).

RECOMMENDATION

Based upon the foregoing, and on all of the files, records, and proceedings herein, **IT IS HEREBY RECOMMENDED** that this action be **DISMISSED WITHOUT PREJUDICE** under Fed. R. Civ. P. 41(b) for failure to prosecute.

Dated: March 28, 2023

s/ Dulce J. Foster

DULCE J. FOSTER

United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).